

Regular Session, 2010

HOUSE BILL NO. 1363

BY REPRESENTATIVE KLECKLEY

CIVIL SERVICE/FIRE & POL: Provides that the position of deputy chief of police is in the unclassified service

1 AN ACT

2 To enact R.S. 33:2481.4 and 2541.1, relative to the municipal police civil service; to provide
3 that the position of deputy chief of police is in the unclassified service; to provide
4 relative to the appointment, supervision, and discharge of any person in any such
5 position; to provide relative to the qualifications, duties, and responsibilities for such
6 position; to provide relative to resignation from the position and return to the
7 classified police service; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 33:2481.4 and 2541.1 are hereby enacted to read as follows:

10 §2481.4. Deputy chief of police; unclassified service

11 A. Notwithstanding any other provision of law to the contrary, the position
12 of deputy chief of police is in the unclassified service, and the right of selection,
13 appointment, supervision, and discharge for such position is vested in the chief of
14 police. In addition, the chief of police shall establish the duties and responsibilities
15 of the deputy chief of police. The position of deputy chief of police shall not include
16 an assistant chief of police as provided in R.S. 33:2481(A)(1).

17 B.(1) The deputy chief of police shall have not less than ten years of full
18 time law enforcement experience and shall at least hold the rank of sergeant in the
19 classified police service at the time of his appointment.

(2)(a) Any person appointed to the position of deputy chief of police shall have received a passing score on the promotion test for the next highest class in the classified police service prior to his appointment as deputy chief of police.

(b) Any person who holds the position of deputy chief of police shall be eligible for a promotion in a lower class of the classified police service while holding any such position.

(3) The chief of police shall not appoint any person to the position of deputy chief of police who is not a member of the same department as the chief of police at the time of appointment.

C. Any person who resigns from a position in the classified police service to serve as deputy chief of police shall not forfeit his seniority accumulated to the date of his resignation, and he shall continue to accumulate seniority during the time he holds the position of deputy chief of police. If any such person resigns from the position of deputy chief of police or is terminated for any reason other than malfeasance in office, he shall be eligible to be reemployed to a position in the classified police service which requires a rank not lower than the rank he held immediately preceding his resignation from the classified police service.

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§2541.1. Deputy chief of police; unclassified service

A. Notwithstanding any other provision of law to the contrary, the position of deputy chief of police is in the unclassified service, and the right of selection, appointment, supervision, and discharge for such position is vested in the chief of police. In addition, the chief of police shall establish the duties and responsibilities of the deputy chief of police. The position of deputy chief of police shall not include an assistant chief of police who is employed in the classified police service pursuant to this Part.

B.(1) The deputy chief of police shall have not less than ten years of full time law enforcement experience and shall at least hold the rank of sergeant in the classified police service at the time of his appointment.

(2)(a) Any person appointed to the position of deputy chief of police shall have received a passing score on the promotion test for the next highest class in the classified police service prior to his appointment as deputy chief of police.

(b) Any person who holds the position of deputy chief of police shall be eligible for a promotion in a lower class of the classified police service while holding any such position.

(3) The chief of police shall not appoint any person to the position of deputy chief of police who is not a member of the same department as the chief of police at the time of appointment.

C. Any person who resigns from a position in the classified police service to serve as deputy chief of police shall not forfeit his seniority accumulated to the date of his resignation, and he shall continue to accumulate seniority during the time he holds the position of deputy chief of police. If any such person resigns from the position of deputy chief of police or is terminated for any reason other than malfeasance in office, he shall be eligible to be reemployed to a position in the classified police service which requires a rank not lower than the rank he held immediately preceding his resignation from the classified police service.

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Section 2. The provisions of this Act shall not be construed to require any chief of police to create the position of deputy chief of police. In addition, the provisions of this Act shall not affect any person employed in the classified police service on the effective date of this Act who is in the second highest class in the classified police service at the rank of assistant chief of police, deputy chief of police, or similarly named second highest rank. Any such person shall continue to hold such rank and shall continue to be employed in the classified police service on and after the effective date of this Act.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

- 1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Kleckley

HB No. 1363

Abstract: Relative to the position of deputy police chief, provides that the position is in the unclassified service. Provides further with respect to the right of selection, appointment, supervision, and discharge for such position and provides relative to the resignation from the position and return to the classified service.

Present constitution creates a fire and police civil service system applicable to municipalities of over 13,000 in population and parishes and fire protection districts. Provides that the system is subject to Art. XIV, §15.1 of the 1921 constitution made statutory by the 1974 constitution. Present law creates and provides for two fire and police civil service systems: (1) one applicable to any municipality which operates paid police and fire departments and which has a population of not fewer than 13,000 persons; and (2) one applicable to any parish, fire protection district, or municipality with a population of fewer than 13,000, but not fewer than 7,000 persons. Present constitution authorizes modifications to such systems (by law adopted by 2/3 of each house of the legislature in the case of provisions of Art. XIV, §15.1 of the 1921 constitution made statutory by the constitution of 1974) but prohibits the legislature from abolishing the system or making it inapplicable to covered jurisdictions.

Present law retains present constitution and present law.

Present law relative to both systems, provides that the classified service shall comprise every position, except those in the unclassified service to which the right of employee selection, appointment, supervision, and discharge is vested in the municipal government. Provides that the positions of police chief and assistant police chief shall be in the classified service. Provides further with respect to which positions are in the classified and unclassified service.

Proposed law retains present law and additionally provides that the position of deputy police chief shall be in the unclassified service. Provides however, that the position of deputy police chief shall not include an assistant chief of police as provided in present law. Further provides that the right of selection, appointment, supervision, and discharge for the position is vested in the police chief. Requires the police chief to provide for the duties and responsibilities of the deputy police chief.

Proposed law requires the deputy police chief to have at least 10 years of full time law enforcement experience and to at least hold the rank of sergeant in the classified police service at the time of his appointment. Further requires any person appointed to deputy police chief to receive a passing score on the promotion test for the next highest class in the classified police service prior to his appointment as deputy police chief.

Proposed law provides that a person who holds the position of deputy police chief shall be eligible for a promotion in a lower class of the classified police service. Prohibits the chief of police from appointing any person to the position of deputy chief of police who is not a member of the same department as the chief of police at the time of appointment.

Proposed law provides that any person who resigns from a position in the classified police service to serve as deputy police chief shall not forfeit his seniority accumulated to the date of his resignation. Provides that such person shall accumulate seniority during the time he is serving as deputy chief. Further provides that if any such person resigns from such position or is terminated for any reason other than malfeasance in office, he shall be eligible to be reemployed to a position in the classified police service which requires a rank not lower than the rank he held immediately preceding his resignation from the classified police service.

Proposed law provides that the provisions of proposed law shall not be construed to require any police chief to create the position of deputy police chief. Additionally provides that the provisions of proposed law shall not affect any person employed in the classified police service on the effective date of proposed law who is in the second highest class in the classified police service at the rank of assistant chief of police or deputy chief of police, or similarly named second highest rank. Provides that any such person shall continue to hold such rank and shall continue to be employed in the classified police service on and after the effective date of proposed law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 33:2481.4 and 2541.1)